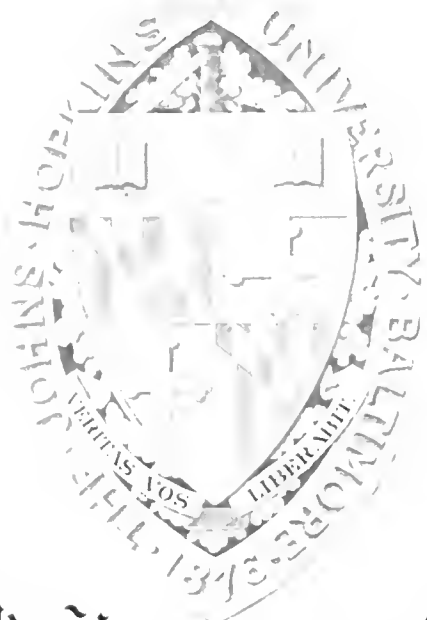




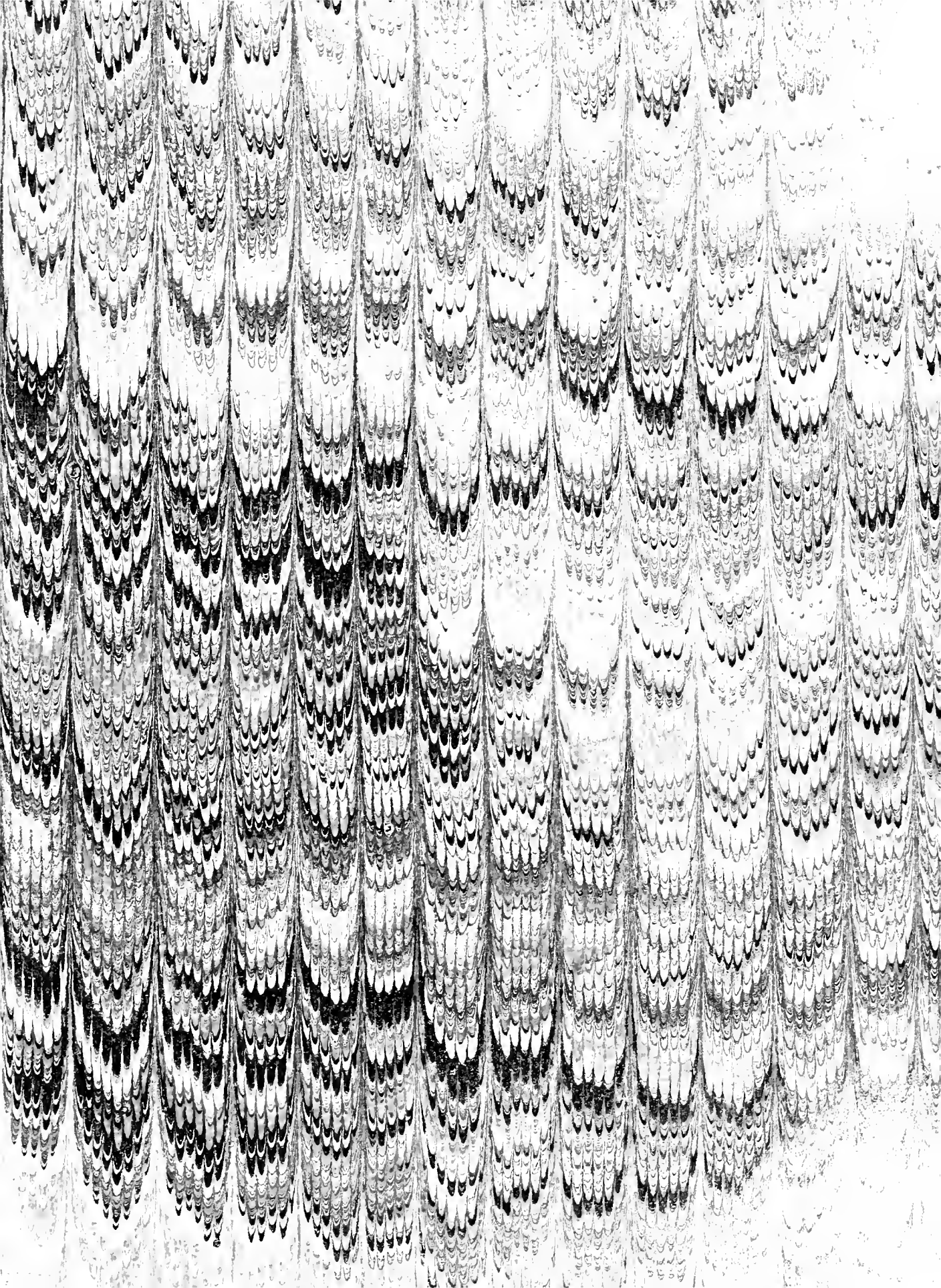
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FEDERAL GOVERNMENT

IN

SWITZERLAND

by

John Hart in Vincennes

*A dissertation presented  
for the degree of  
Doctor of Philosophy  
in the  
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1890.*



# A T L E O      C O L L E C T I O N S

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Preface

Introduction	Page 1
The National Government and the Customs	15
The Federal Legislature	25
The Law and the People	39
The Federal Executive	46
The Federal Judiciary	55
The Federal Army	69
The Federal Finances	83
International Relations	75
The Confederation and Society	91
The Confederation and the Individual	97

Bibliography

Vita



## P R E F A C E.

The following pages have been selected from a larger essay which the writer has been preparing upon the general subject of Government in Switzerland, Federal, State, and Local. Consequently certain institutions, the operations of which are divided between two or more of these elements of the state, do not receive as full treatment in this part as they do eventually in the course of the larger work, and the impression of the condition of society is not complete. Yet it is hoped that the distinctive functions of the Federal Government have been clearly set forth and its relations to the two and twenty states in its charge sufficiently explained.

In the place of a longer historical introduction there has been inserted a paper which the author read before the American Historical Association, entitled "A Study in Swiss History". In this are described certain characteristic political ideas which have dominated the history of that country from the beginning, and which, now found in the institutions of the state, cannot be explained without a study of its annals.

The investigation of Swiss social and political institutions is eminently a study of survivals. That country has suffered very little in the way of artificial or theoretical forms of





government, and its character or its special features have been changed almost beyond recognition yet the line of evolution can be distinctly traced and the fact made clear that its society has been built upon an historical basis.

The introductory sketch points out reasons why the Cantons were not sooner formed into a compact Confederation, yet, in doing so, the steps are indicated by which they are gradually come into that relationship and advanced from a Staatenbund into a Bundesstaat.



# I N T R O D U C T I O N



## A STUDY IN SWISS HISTORY.

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Following up that sentimental interest which all Americans naturally feel in a sister republic, the writer was led, some years ago, while at a foreign university, to begin more extended studies of the history of Switzerland, with eventual publication in view. It is no longer necessary to rise to the "Defence of the Constitution," and exhibit to timorous countrymen the workings of successful republicanism, as did President John Adams so admirably, when our constitution was new; but it appeared to the author that the histories of Switzerland, written by foreigners, were for the most part undertaken by persons educated in a different school of political ideas, and hence unable to fully appreciate the aspirations of the Swiss people.

It seemed, therefore, worth while to attempt a history of the republic, which, other things being equal, might combine the advantages of being written from a republican standpoint, as well as by a disinterested spectator.

Brief residences in Switzerland confirmed the idea, and studies in this direction have since had at least a share of attention.

Meanwhile, at the suggestion and under the encouragement of Prof. Herbert B. Adams, a study of the present institutions of the country was also begun, with the view of comparing them with our own, under some such title as "Civil Government in Switzerland compared with that in the United States." It was hoped that an excuse for a small work of this description might be found in its usefulness to students of institutions.

Unique facilities for this work, considering the wide sep-





aration of the countries, are afforded by the library of the Johns Hopkins University, which, fortunately, possesses the books and many of the papers of the late Prof. Bluntschli, of international fame, who was not only a native of Switzerland, but an historian of its laws and institutions. To this the Swiss Government has of late generously added a large collection of documents, historical, administrative, and statistical, relating to Federal affairs since 1848.

With these materials it is possible at least to appreciate the work of native specialists.

The object of this paper is to present a brief historical explanation of one or two characteristic Swiss political ideas, yet to be found in their constitutional laws.

Many familiar facts in Swiss history will be repeated without further apology, for the purpose of showing their bearing upon these topics, and occasional references will be made to the experiences through which the United States have passed during the solution of similar problems.

The present Swiss Confederation is composed of twenty-two states, which call themselves "sovereign cantons." The Federal constitution enumerates its members by the same title; each of the state constitutions says, in effect: "This, under Federal supremacy, is a sovereign state," and each declares that the sovereignty within the state rests in the people as a whole.<sup>1</sup>

This careful definition of the nature of the state, this striking emphasis upon isolation and individuality, is not a modern product of the study of the rights of man, but a phenomenon whose roots run deep into the history of Switzerland, and the nature of the Swiss man. Let us notice briefly the sources of what may be called this centrifugal force, and some reasons for its continuity.

Although Switzerland now employs three official languages, and at least four distinct tongues are spoken in various parts, it need hardly be said that the history of its government is a history of Teutonic institutions. German communities made the first confederation; Germans were

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<sup>1</sup> Sammlung der Bundes- und Kantonsverfassungen, 1880.



the material with which it was for centuries almost exclusively increased. All other nationalities now included were, until ninety years ago, simply allies of the League, or still lower, subjects of the same. Hence the sources of governmental ideas, the political instincts of the race, are to be sought, not in many directions, but chiefly in that branch of the German stock which, at the opening of the fifth century, took possession of the country, never to be dislodged. As the Burgundians became Frenchmen in language and sympathies, we must turn to the Alamanni, and we find in that people certain traits conspicuously emphasized.

Ammianus Marcellinus, writing in the second half of the fourth century, states that the Alamanni were ruled by fourteen different kings, fully independent of each other, and connected by no common government. Occasionally, however, and for warlike purposes, they joined together under one of these kings, among whom there appear to have been different degrees of power or influence. At the end of the war, and an instance is given where even at the close of a battle, the authority of this general chieftain, like that of the English Bretwalda, expired, and the frail confederation fell asunder with the accomplishment of its end.

Nor should we infer that these kings were despots, for Ammianus relates that at the battle of Strassburg, about 378, the common soldiery demanded that the leaders dismount so they should not escape by flight in case of disaster. Chlodomar, who was for the time commander-in-chief, leaped from his horse and the others followed.<sup>1</sup>

Such were the Alamanni before the Great Migration. Characteristic, also, was the conquest and settlement of Helvetia. A portion of these kings came with their followers over the Rhine into the northern part of the province, and each tribe apparently selected a place for itself.

But not only was there a separation of the clans, but there would seem to have been a general segregation of individuals. With true German instinct, the Alamanni avoided, if they did not destroy, the Roman cities with their contracted

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<sup>1</sup> Wietersheim: "Gesch. der Völkerwanderung," III., 379 f.



and hateful walls. They betook themselves with flocks and herds into the open country, and settled in small numbers in manors, hamlets, or villages.

Manors, or Höfe, were property of leading free men, who, selecting suitable localities, quartered about themselves only their slaves and tenants. These wrought out for them a hard, half-civilized, but independent existence. Here again the instinct of isolation exhibited its power. It has been estimated from studies of the names of places that in Canton Zürich alone over three thousand manors were settled in early times, against only about one hundred hamlets and some twenty villages.<sup>1</sup>

I pass over the intervening history to the formation of the first Confederation. During the eight hundred years which have elapsed, the valleys of Schwyz, Uri, and Unterwalden have crystallized into feudal dependences with different conditions of personal freedom among the inhabitants and with different external allegiances.

Fragments only of the ancient unqualified freedom remained. Power to make law there was little beyond what concerned their common pastures.<sup>2</sup> Popular rights found expression in the application of law, in attendance at court, and in sitting upon juries in local trials. But though they might not elect their own judges, upon one thing they were agreed: they would endure no judge or governor who would not respect their local customs and traditional usages. In defence of this principle the three valleys, in extent less than forty miles square, and thinly inhabited, defied the armies of Austria. Their external overlordships were distinctly acknowledged, but, say the Articles of Confederation, "We have also, in general assembly and with unanimous consent, agreed, determined, and ordained that in the aforesaid valleys we will in no wise accept any judge who shall have bought this office for money or for any price whatever, nor one who is not a resident or fellow-countryman."<sup>3</sup> They further agreed to settle difficulties between

<sup>1</sup> Meyer: "Die Ortsnamen des Kantons Zürich."

<sup>2</sup> Dierauer: "Geschichte," I., 84.

<sup>3</sup> "Amtliche Sammlung der Eidgenössischen Abschiede," I., p. 241.



the cantons by arbitration, and if one repudiated the sentence of the referees the other states should compel obedience. There was to be also a common outlawry of criminals which should include all three valleys, but no common tribunal.

After 1309 the three cantons stand on the same level of imperial freedom. The charters of Henry VII. guarantee that "in no matter, or case at law, shall you be cited before the court of a temporal judge, with exception of the court of our majesty, outside the limits of the aforesaid valleys." This was the coveted *Jus non evocando*.<sup>1</sup>

With this privilege the measure of local freedom was full. The valleys of the League knew henceforth no master but a distant and preoccupied empire.

One by one other cantons were added to the Confederation. In 1332, Luzern—but in the language of the agreement, they said: "We reserve to our city and the council all their jurisdictions, and their customs in respect to citizens as well as strangers, as they have been handed down from ancient times." Likewise Uri, Schwyz, and Unterwalden: "We reserve also for ourselves, each forest canton in particular, within its landmark and borders, its jurisdictions and good customs, as handed down from ancient times."<sup>2</sup>

Twenty years later Zürich became a member, with the additional provision that in case the Burgomaster or Council of the city was threatened, the forest states should assist them to maintain their offices. But this was to occur when requested under the seal of either the Burgomaster or the Council, and furthermore, "let it be known especially that we have expressly established and required, in respect to all who are in this League, that every city, every land, every village, every manor, which belongs to any one who is in this League, shall continue undiminished in their jurisdictions, in their privileges, in their charters of freedom, in their laws, and in their good customs as they have hitherto conducted and brought them down, that no one shall injure or hinder another therein."<sup>3</sup>

<sup>1</sup> Kopp: "Urkunden," 103.

<sup>2</sup> "Eidg. Abschiede," I., p. 256.

<sup>3</sup> "Eidg. Abschiede," I., 260.





Within the next three years Glarus, Zug, and Bern were admitted to the Confederation under similar conditions, and, as thus constituted, the League of Eight closed its doors for a century and a quarter.<sup>1</sup>

It was an alliance of states for the purpose of warding off danger from without and maintaining peace and friendship within. What were the events which clustered about this League and the constitutional traditions which passed on with it to following generations of Swiss people?

In 1386 and 1388 the famous battles of Sempach and Näfels decided, although they did not bring to an end, the hundred years' struggle for independence. But at the same time the states which thus covered themselves with glory were united by an alliance in which only three were directly connected with all the others.<sup>2</sup>

It was after the manner of telephone service in which the three original cantons acted as the central exchange. When the later states wished the help of the League they called on the forest cantons, and the latter summoned the rest. There were some cross-connections, but in general the touch was indirect. So loose was the tie, that in this same battle of Sempach Bern refused to co-operate, though she repented later.

Power to compel obedience to the Confederation in external matters was authorized but invalid.

Fifty years later civil war broke out, and in 1450 was brought to a close in such a way that the question of a state's right to form foreign alliances found a solution. The balance of the League conquered Zürich and Austria combined. The Confederation was much strengthened externally thereby, but the occasion left no mark upon the constitution. Two great mutual agreements were enacted in the fourteenth century. In 1370 the so-called *Pfaffenbrief* declares that the confederates will endure no spiritual courts except in spiritual matters or marriage, and private feud is prohibited without permission of authorities. But the ex-

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<sup>1</sup> "Eidg. Abschiede," I., pp. 273, 275, 285.

<sup>2</sup> Note the provisions for military assistance in charters cited.



ecution of this law is left to the place where the culprit resides.<sup>1</sup>

In 1393 the *Sempacherbrief*, a general military ordinance was adopted, in which they endeavored to maintain better discipline in battle, regulate plundering, and in some measure temper the savagery of war,—in reality a remarkable monument in military history,—but that same document commands that cowards, deserters, or other breakers of its provisions, shall be tried by their own land or city, and if “one be found guilty before them to whom he belongs, and whose duty it is to judge, he shall forfeit his life and goods to them to whom he belongs and to *no one else*.”<sup>2</sup> In other words, federal law, but state trial and execution, even in national treason.

Between 1474 and 1477 the Swiss destroyed the most ambitious monarch of Europe, Charles the Bold; won the world-famous battles of Grandson, Murten, and Nancy; and annihilated the flower of chivalry; yet the general constitution of the country was the same disjointed artifice which had been framed for the League of Eight one hundred and thirty years before, strengthened only by usage and common recollections.

Soon after this the states were increased to ten, in an agreement in which all are parties, but the relations of the original eight are unchanged.<sup>3</sup> This Confederation put down the Suabian League, practically severed Switzerland from the empire, and, in fact, for fifty years after the Burgundian war held the balance of power in Europe.

Three more cantons were taken in, Basel, Schaffhausen, and Appenzell. These were required to give aid when the Confederation carried on war against a common enemy, but in case of strife among the other cantons there was the remarkable provision that these three states should try to settle matters peaceably, and in case they failed and it came to war, they should *sit still*, let the others fight it out, and aid no party.<sup>4</sup>

<sup>1</sup> “Eidg. Abschiede,” p. 301.

<sup>2</sup> “Eidg. Abschiede,” I., 327.

<sup>3</sup> Freiburg and Solothurn, 1481. “Eidg. Abschiede,” III., pt. I., p. 698.

<sup>4</sup> “Eidg. Abschiede,” III., 2, pp. 1291, 1297, 1361.



This Confederation of thirteen states endured without change of actual members two hundred and eighty-five years.

National affairs were discussed in general diets, as, in fact, they had been from the beginning, but they were diets which lacked the very essentials of republican government—majority rule and power of execution.

Each canton sent two delegates but possessed only one vote. Resolutions passed, not by the consent of the majority of the states, nor even on the vote of nine states, as in our old Confederation, but only by unanimous agreement. Not only this, but delegates were expected to have the special instructions of the home government before the final vote. If these were not given in advance it was usual to defer consideration to an adjourned meeting, in order to allow consultation.<sup>1</sup> Having enacted a law, there was no power to enforce obedience. One state could, in the first place, block the most ardent desires of the whole Confederation, and even when unanimous consent was given, it often happened that one or more cantons failed to obey. Certain laws, for instance those against private foreign pensions and enlistment, though desired by all the governments, found no general obedience. In fact, it came finally to pass that the diets could make few unanimous resolutions other than in regard to the management of their common property.<sup>2</sup>

The Confederation grew weaker as it grew older. The states did as they pleased, and the national spirit decayed, but it was not altogether the natural outcome of cantonal sovereignty. Let us note a few things which caused this principle to be exaggerated, and then, as it were, petrified in national politics.

In a paper read before this Association last year upon the "State-Rights Theory in American Politics," it was stated that at a certain period of our history the question of

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<sup>1</sup> Bluntschli: "Gesch. d. Eidg. Bundesrechtes," I., 395 f.

<sup>2</sup> Blumer: "Bundesstaatsrecht," I., 16.





pure state rights became overshadowed by larger questions of unequal sectional equilibrium.<sup>1</sup>

The same phenomenon appears in the Swiss republic, and the wedge of sectional separation was entered when cities began to be joined to a Confederation of pastoral states. Lucerne and Zürich were allies, vitally necessary to the maintenance of the League, but they brought in with them germs of division which were unfortunately allowed to bear fruit. The jealousies of democratic and aristocratic cantons are too familiar to call for extended details.

At the beginning there was no question as to the equality of all the states, but the more rapid enlightenment of the cities, their superior wealth and intelligence, soon gave them a directing influence. The country states saw the city states bent on widening their borders, buying here, conquering there, attaining more respect in foreign eyes than themselves, and exhibiting ambition beyond their own simple desires. They feared the towns would some day seek to annex them. Nor was this distrust entirely unwarranted, for the aristocratic cities invariably treated their country possessions less favorably than the municipal.

Consequently the democratic states often resisted good national policy for fear of giving greater influence to the cities. This was why the League of Eight shut its doors for a century and a quarter. So long as the country cantons had five votes, counting the mixed district Zug, they refused to admit Freiburg and Solothurn, which would have strengthened the hands of the cities.

Secondly, the principle of state equality, not necessarily state rights, came painfully near wrecking the republic at the close of the Burgundian war. It had up to that time been customary to divide all conquests and booty of war equally among all the cantons engaged. Territory was not parted, but governed in company, each state taking its turn at furnishing officers, and all sharing in the surplus revenues. This equal division, however, met with the increasing protest

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<sup>1</sup> Pres. Welling of Columbian University. See "Secretary's Report," *Papers Amer. Hist. Assoc.*, vol. II., 72.



of the larger cantons, until, at the time the immense spoils of Charles the Bold were brought in, ill-feeling rose to a quarrel. On the one side it was claimed by the forest cantons that Bern had absorbed most of the territory for which all had fought, and on the other, by the larger states, that it was not fair that a little canton like Uri, for instance, should have an equal share with Bern, which furnished three times as many soldiers. Neither side would give way. Diet after diet failed to effect a reconciliation. Mutual reprisals and rumors of secret agreements added fuel to the flame. Civil war was about to burst out, when the words of one man, a pious recluse, Nicholas von der Flüe, laid the storm. He advised that lands be divided equally among the states, but movable spoils according to the number of men furnished for the war.<sup>1</sup> All parties accepted this very just compromise. The precious principle of state equality had been respected, and also there had been observed, for the first time in the history of the republic, the principle of numerical representation. But there the latter idea halted, and for three hundred years found no wider application. To the mountaineers, the founders of the Confederation, it seemed humiliating to have smaller voice in its affairs, and further compromise ceased.

Another separating influence was generated by the mercenary service. After the terrible defeat at Marignano, the Swiss refused, as a national undertaking, to fight any more for the benefit of neighboring powers, but would furnish recruits for their armies.<sup>2</sup> These were raised by the cantonal governments, and remained under their general orders in the field. Consequently, all the neighboring powers found it to their interest to create parties in these governments. They sowed pensions and dissensions right and left, and by thus working on the greed of men, fostered separation of interests among states none too strongly attached before. The

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<sup>1</sup> The so-called Stanzer Verkommiss, 1481. "Eidg. Abschiede," III., pt. I., 696.

<sup>2</sup> See, for example, the treaty with Francis I., 1521. "Eidg. Abschiede," IV., tp. I., 1491.



native agents assisted them in this by creating rather than removing obstacles, in order that more money might be passed through their sticky hands.

When reform was attempted the mountain districts refused to accede, and insisted on their state rights.

Religious dissensions, also, following the Reformation, tore the frail Confederation into shreds, set region against region, canton against canton, and parted solid states.

The aggressiveness of both parties, upheld by the fervor of faith, caused suspicion and fear to arise between neighbors who had every reason for unity. Each canton clung jealously to its own individuality and ancient customs for fear that religious fanaticism would blot them out. Every now and then the republic would be split up into smaller confederations for the purpose of maintaining the rights of state sovereignty. Thus by these sectional strifes the idea of isolation was handed on, gaining strength as it went and becoming more and more a political instinct of the Swiss people.

In short, what the foregoing has attempted to convey is this, that the whole political education of that nation, from earliest times down to 1798, taught that states should manage no local affairs but their own.

In time of danger the sentiment of union, the necessity of mutual dependence warded off destruction, but the bonds of the Confederacy, like the ropes which bind adventurous travellers on Swiss mountain tops, were laid aside upon the level ground of local politics.

The nation was bound together by a glorious chain of memories, traditions, heroisms, sacrifices, but in the very battles for existence every man fought under the banner of his own canton, followed the regiment of his own district, kept step with the company of his own hamlet, or died beside his brother, son, or friend. This was the ancient German instinct and this the language of the war ordinances of the republic: "Let every man stand by the flag of his own land or city, after the manner of the fathers."

It came to pass that baser motives also weakened national



union till it hung by a single thread. Our own republic was nearly divided on a question of human property. The Swiss Confederation, on the contrary, was for a long time almost solely held together by the common ownership of subjects. The regulation and division of profits of territories held in partnership, where the people, though not slaves, were unequivocally subjects, came to furnish almost exclusive occupation for the federal diets. It was for the interest of the states to remain in the partnership, equally their interest to be individual, to enjoy a share, and to admit no more states to the union that this share be not diminished.

Towards the end of the 18th century the evils of this lack of union were recognized on all sides.

In 1798 the remedy arrived. A consultation of French doctors sat upon the case of Switzerland. Having rejuvenated France, the Paris revolutionists proposed to reform the rest of the world. Switzerland must be made a unit state, and so it was. The ancient cantons, cradled in independence and grown old in isolation, were suddenly transformed into departments of a single government and called the Helvetic Republic.<sup>1</sup>

Not only that, but the forest states, proud originators of the Confederation, were lumped into one department, with the avowed purpose of gerrymandering out of power any democratic opposition to the new order of things. Bern, the greatest of the aristocratic cantons, was divided into four, and the subject territories erected into departments having equal rights with the others, much to their own delight, but to the great chagrin of their former masters. The state was to be ruled by a governor, a directory, a senate, and a great council, and the departments by a host of prefects, sub-prefects and officers never before seen in Switzerland, and all of them with unheard-of salaries. Swiss citizens were compelled to fight in French wars, in which they had no interest, and if they objected to this kind of government, French bayonets stood ready to convince them of its excellence.

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<sup>1</sup> Constitution in Bluntschli: "Bundesrecht," II., 305.





The public moneys, of which some of the cantons had a huge store, were squandered, state property alienated, and a debt of 20,000,000 francs saddled upon the country. The Swiss grew tired of the new régime, and after a five years' miserable existence, it was chased across the border.

Napoleon Bonaparte by the Act of Mediation restored a large measure of the autonomy of the cantons, but left a central government much superior to that before the revolution.<sup>1</sup> Yet this improvement was accompanied by more French soldiers, by a forced dependence upon France in commercial as well as political matters, and by loss of territory at strong strategic points, which Napoleon thought would be more useful to him than to the Swiss. The new constitution contained a definition of powers found in the American Articles of Confederation, but discarded by the makers as well as by the amenders of our present organic law: "The cantons enjoy all the powers which are not *expressly* delegated to the Federal authority."<sup>2</sup> Yet under the drag-onlike protection of France this was not an unmixed enjoyment, and such unity had little to recommend it to the patriotic citizen.

The fall of Napoleon was the signal for reaction. The greater cantons demanded a return to the old status and their ante-revolutionary supremacy. The relapse would have been worse had it not been for the allied powers, who would guarantee neutrality only on condition that the new cantons be maintained and free.<sup>3</sup>

The period from 1815 to 1848 was one of gradual political enlightenment, but the structure upon which improvement was made began with the words, "The twenty-two sovereign cantons of Switzerland," and finished its articles without an expression containing "Federal authority."<sup>4</sup>

Article 8 says: "The diet undertakes the management, according to the regulations of the treaty of Confederation,

<sup>1</sup> Bluntschli: "Bundesrecht," II., 322.

<sup>2</sup> Acte de Mediation, Chap. XX., Tit. 12. Compare with Amend. X., U. S. Const.

<sup>3</sup> Vienna Congress, Art. LXXIV.

<sup>4</sup> Bundesvertrag, 1815. Bluntschli: "Bundesrecht," II., 358.



of such matters as are laid upon it by the sovereign States of the League. It consists of the delegates of the twenty-two cantons who vote according to their instructions. Every canton has one vote which shall be made known by one delegate." They had, however, advanced to majority rule, and two-thirds could declare war.

The steps toward closer union during this period were many, but were the result of political renaissance taking place first in the cantons themselves, a realization of nineteenth-century necessities, and took the form of treaties among the states rather than of amendments to the general constitution.

Concordats,<sup>1</sup> on the laws of commerce, postal service, validity of marriage, and other subjects, showed the value of more centralization and wanted the people to its presence. But it needed the fright of one more danger to compress the republic into its present form. The Catholic secession of 1847-48 came so near to success, that the people gladly gave more power to the Federal authority, and in 1848 a constitution similar to that of the United States was framed which stands as the basis of the present revision of 1874.

Switzerland obtained its final union sixty years later than the United States, and yet remains behind them in central power; but, in consideration of what has been said, in consideration of national instincts, national experiences, and political education, is it any wonder that the words "sovereign state" should be conspicuous in its constitution? All the elevating memories of the national history, all the inspiring traditions which had been bred into national sentiment generation after generation, were connected with a league of states of almost insulated independence. The darker periods, when fraternal feeling lost its hold, and when disunion received its just reward, were enveloped in motives, religious, ambitious, or pecuniary, which are so deeply wrought into human nature that isolation, once engendered, easily perpetuated itself, grew deeper, and fastened itself into the national habit of thought.

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<sup>1</sup> Bluntschli: "Bundesrecht," II., 388-428.



Then when solidarity was first offered, the form of it was so historically crude and so rudely forced upon the country, that, although common misery broke down many old prejudices, love for unity could hardly come out of it.

Reaction was a most natural result, and it needed the economic as well as the political advancement of this century to bring the state to its present form.

It is usual, in summarizing the history of Switzerland, to trace the growth of the federal idea, the tentative steps toward centralization. That is perhaps the more grateful task. But the opposite side of the question has been chosen for this occasion, in order to explain the existence to-day and the continuity from time past of a trait of character which has played a vital part in the evolution of that state. Confederation was the means of its greatness, but behind that, the motive to union, the mainspring of political combination, was desire for local independence. Without it the Swiss republic would not have existed. At the beginning there would have been nothing else to fight for. Later on there would have been no reasons for wider combinations, and although it was at times sadly abused, the Swiss people, as they look back over the history of their neighbors who fell under the power of dynasties, may thank fortune that the principle was preserved.

There are several other constitutional provisions which are accounted for by this same idea. The federal government is not allowed to keep a standing army. The situation is almost exactly the reverse of that in the United States, for the cantons are permitted to maintain three hundred standing troops each. The federal government, however, has a monopoly of powder manufacture and assumes control of all armies in time of war.

The Swiss conception of the national executive is also a natural survival. While we have gone so far as to say that the administration is vested in a single man, the Swiss republic, although it also has a president, declares, in Article 95: "The highest executive and directorial authority of the Confederation is exercised by a federal council composed of



seven members." The president is selected from one of these by the federal congress.

Central authority in Switzerland since the birth of the republic has always been vested in a committee, and in a committee it is to-day.

That peculiar veto power known as the Referendum in its present form is a modern invention, but the principle behind it is as old as the nation.

The word comes from the usages of the old federal diets, in which, as said above, the delegates did not decide matters themselves, but voted *ad referendum*, and submitted their actions to the home government. Where pure democracies continued, all law-making, of course, remained with the people, but in the more or less aristocratic republics it escaped their hands. The power to decide upon organic law was the first to be recovered. When an amended Helvetic constitution was submitted to popular vote in 1802 this was accomplished. The power to veto an ordinary law made by representatives was established for the first time in modern days, in 1831, in the Canton of St. Gall.<sup>1</sup> It was a compromise between the party which wanted to establish pure democracy, and the party of representative government. They agreed that, if enough citizens desired, any law could be submitted to the people. This was a triumph of democracy beyond the dreams of Rousseau. He had little hope that in his rigorous country true self-government would ever exist. The land was too large and too cold for town-meeting legislation. But by this happy thought, the citizen has been enabled to make or unmake the most important laws of his country, statutory as well as constitutional, without leaving his own village, or standing out in the cold.

It is, however, only the same old Swiss voter of centuries ago telling his member of the diet to conclude nothing important without his consent. The custom has since spread so that nearly all of the twenty-five governments in Switzerland have some form of Referendum.

The position which Switzerland occupies as a neutral

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<sup>1</sup> Th. Curti : "Geschichte der schweizerischen Volksgesetzgebung," p. 128.





State, with liberal institutions, in the midst of countries less favorably endowed, is one which attracts our sympathies. We pride ourselves in our land of the free, the refuge for the poor and oppressed of every clime. Switzerland shares this mission with us, and has long been a retreat for the dissatisfied and the exile. But more than this, its central situation, combined with its neutral politics, has given it an international function which is interesting to note. Uncontaminated by the ambitions of its neighbors it offers to contending nations a quiet spot in which to settle their disputes by the peaceful means of arbitration. It is not only a place of occasional conventions, but also the established centre of a host of continuous international agreements, commercial treaties, the universal postal union, the telegraphic union, and others, which render peace and freedom necessary, and therefore secure within her borders. A poet might look forward here to see the parliament of man, but the historian, looking back, will find again the ancient Alamanni.

They tell us now that this name comes down from "Alah,"<sup>1</sup> sacred groves which once existed in primeval Germany, and formed a central gathering-place for the tribes of the Semnones. Here the nations, born to war and nurtured in contention, met on holy ground. Here strife was laid, and bound by ties of one religion they joined, if only briefly, in common reverence of higher things.

These Alah-men moved on. Their country was for centuries a scene of war, but now again in these last days it is a place where swords are sheathed, a sacred spot, an oasis of peace.

After the reading of Mr. Vincent's paper, ex-President Andrew D. White of Cornell said, by way of discussion, that the paper pleased him because of the comparative method used in it. He thought it very desirable that students and others should be led to compare the institutions of other countries with those of the United States in order to get new ideas. Travellers in Switzerland found that in many things they do better there than here. Roads, for in-

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<sup>1</sup> Dändliker: "Gesch. der Schweiz.," I, 84, note.



stance, were greatly superior to those of New York State, where it is said the middle of the road is the most fertile part of the country, since it is annually plowed up.

In educational matters, also, they had a way of doing things at once instead of waiting for some one to give the money and keep his grasp on the interest of the country for centuries after he is dead. The speaker was reminded of other curious survivals which the paper would doubtless have mentioned had time allowed. Especially the curious combination of feudal with democratic ideas in some of the most purely democratic cantons. He said that he visited last summer the Swiss ambassador at Berlin, who resides at home in Appenzell. In this canton the laws are made by popular vote, and they elect every year a landammann or governor. In the house of this ambassador he saw three swords hanging over the shield, which had been the State swords of his grandfather, father, and himself when they were landammann. The son also when addressed as the young landammann took it also as a matter of course, a natural state of things. It was a curious mixture of democratic government following family lines. He hoped that the writer of the paper would continue his studies in the lines indicated, and wished also to see in all our universities schools of comparative legislation such as Laboulaye had in France for the study of the methods by which various countries had tried to solve political problems.



## THE FEDERAL GOVERNMENT AND THE CANTONS.

The Swiss Confederation is composed of twenty-two states which differ widely in extent and population. Three of these are divided into "half-cantons", as they are called, so that altogether there are twenty-five governments within the confines of the territory. In extent they vary from 774 square miles for the largest to 14 square miles for the smallest, and in population from 534,000 to 13,000. Altogether the Confederation covers about 1,533 square miles of territory, or about as much as the states of Massachusetts, Connecticut, and Rhode Island, together with Long Island, and contains about 3,000,000 inhabitants.

Differences in the political character of the various parts of the country are also very marked, causing differences of occupation to the inhabitants, variations in personal characteristics and leading, especially in early times to different ideas of government and society. Differences in language also, dating from the settlement of Helvetia after the fall of Rome are perpetuated by the natural divisions of the country have emphasized these various political instincts and given to the institutions of Switzerland an unusual diversity, which, even now, when growing under the influence of rapid communication, and a interest as well



as a fidelity to the study of its history.

As indicated by the name, the form of government which binds these diverse elements together is not that of a Unitary State in which the Cantons act as administrative divisions, like the departments of France, but it is a Federal State, in which certain powers are delegated to a central government while the rest are exercised by the individual parts. In this it resembles the United States of America, but with certain minor differences which will appear as we proceed.

The Cantonal constitutions, and the Federal as well, declare with one accord that "the Cantons are sovereign in so far as their sovereignty is not limited by the Federal constitution, and as such exercise all rights which are not delegated to the Federal power". They might perhaps be more strictly defined, as autonomous states, united, for purposes common to all, in a central government; the sovereignty residing in the people as a whole, but finding two modes of expression, one for local, the other for general purposes.

They were formerly sovereign states and lived under a league like so many foreign powers, but when they joined in 1348 in forming a Federal compact, they came, like the United States in 1788, into a new state which seemed but a natural growth from the old, but which mocks at precise definition.





The line of demarkation between the functions of state and nation is not so strictly defined in Switzerland as in America. In the United States the powers given to the Federal government are wielded by it exclusively, but in Switzerland it will be seen that the Cantons in some cases join hands with the central government in exercising general functions. This is the case in the organization and maintenance of the army. Cantons are also allowed to make treaties with foreign powers on minor matters, whereas in America the Federal government is the only treaty making power. Differences will be noted in other branches of state, but, it may be said in passing, that a tendency toward centralization is distinctly visible in the history of administration since 1848. In fact whole fields of legislation which were not thought of at the formation of the constitution in 1848 have been almost by necessity given over to the central power.

The foremost point of contact between Confederation and Canton will be found in the guarantee by which the former sustains in each state its territory, its sovereignty, the rights and privileges of its people and citizens and the rights which its people have delegated to its authorities. The Federal government of the United States simply guarantees to each state a republican form of government, with no mention of its name, size, or boundaries, but the peculiar fact will be noted in the Swiss constitution that the



Cantons are all enumerated by name as the twenty two sovereignties which compose the confederation, with the result that no enlargement can be made, either by addition from without or by subdivision within, without an amendment to the constitution, or in other words by general consent. In case a foreign state threatens to deprive a Canton of part of its land resistance is thus made a Federal matter. The question of additional members of the confederation did not, at the time of the formation of the constitution, depend on the development of large unreclaimed territories in the vicinity of the states, but had already long been practically settled by the events of history and the divisions of nationality.

Again, when states revise their constitutions they must submit the amendment or revision to the inspection of the central government, and if the two houses of the Federal Assembly agree that nothing therein contravenes the Federal Constitution, then, and not before, can the act take effect. If there are defects of this kind in the instrument they are pointed out in the legislative report and the result is, that, although the state may not expunge the objectionable clauses at once they are regarded as void. Comments are also sometimes added respecting doubtful clauses to the effect that they must not be interpreted to mean this or that, thus forestalling any future or hidden strain upon the Federal constitution.



The control exercised by the Federal Government in this matter is thus made much more direct than in the United States, where the Federal power through its Supreme Court, exercises a right of veto on state constitutions, but instead of pronouncing in advance, waits till some person has suffered and a concrete case at law comes before it. This method is in the end as effective, but more circuitous and tardier in action. In both cases, however, this control is not the arbitrary interference of a central administration, but is based on a compact to which all originally agreed. The Cantonal constitutions must themselves assure to their citizens the exercise of political rights according to a republican form of government either representative or democratic, and must be subject to revision whenever a majority of citizens demand. Consequently a similarity of institutions is provided but with wide scope for individuality in local government. It would not be possible for any state to erect itself into a principality, nor to exclude a large number of its citizens from the exercise of political rights without invoking the interference of the Federal Government.

In order to make its own guarantee effective one central power must have a monopoly of the affections of its constituent parts. Hence every other political alliance between the Cantons is forbidden. They may make agreements on matters of administra-



tion or internal legislation of common interest, not contrary to the general constitution, but nothing like treaties of offense and defense can be tolerated. Such provisions might well be expected in the constitution of the Swiss. Nothing is more glaring in the history of that country than the evil of separate alliances.

Ever since the time when cities were first joined to a Confederation of rural states there has been a tendency to combine into separate leagues. The religious animosities which rose out of the Reformation strengthened these centrifugal forces till finally the secession of 1513 brought the country to the verge of ruin. Aroused by the danger so narrowly escaped, the Swiss at once formed a central government worthy of the name, and settled once for all the question of separate alliances of states.

As to dangers from internal disturbance either between the individual Cantons or insurrection within a state, the Federal government has a certain power of intervention. The Canton threatened shall at once advise the Federal Council of its predicament, and the latter shall take such measures as it finds necessary or convoke the Federal Assembly. In case the Cantonal government is not in condition to invoke the Federal authority it may intervene without a requisition, especially when such a disturbance compromises the safety of the country. But such distur-





measures are in a measure "established by the agreement of the states not to take up arms, as found in Article 14. "The Cantons are bound, if a strife arises between them, to withhold themselves from the taking up of arms or any measures of self-help and to submit to the Federal decision".

As stated in the second article of the Constitution, the object of the Confederation is to maintain the independence of the Fatherland, to uphold peace and order within its borders, to protect the liberties and rights of the citizen and to further the common welfare. To this end, exclusive jurisdiction was given the central government in certain fields of law. Foremost among these naturally stands the relationship of the state to foreign powers. In peace or war the state to be effective must act as one. Hence the Federal government alone has the right to declare war and to make peace. Hence also has it alone the right to enter into international agreements and treaties of a political or commercial nature.

The apparent limitation to the treaty-making power, mentioned above, where Cantons are allowed to make agreements with foreign states on certain administrative matters is overshadowed by the provision that the official correspondence on such affairs shall be carried on by the Federal cabinet.

Although the Federal government cannot maintain a stand-



in any, but depends on the constitution of the Cantons, it controls the powers of war by the provisions that all legislation on this subject shall proceed from the central power. While the Cantons assist in the execution of the law, the whole question of military instruction, of choice of weapons, of manufacture of powder and in event of war the command of the troops rests with the Confederation.

Looking inwardly, the powers of the Federal government will be seen to affect the communities in three general ways, first, through its influence upon the government of the Cantons, second by laws which indirectly act upon the general public, finally by contact with the citizen himself. 1

- 1 The exclusive powers of the central government are further treated in the chapter on The Confederation and Society.



## THE SWISS FEDERAL LEGISLATURE.

The legislative powers of the national government are conferred to a Federal Assembly composed of two chambers which are distinct from each other as the National Council and the Council of States. The more numerous body is the National Council and occupies a position similar to that of the American House of Representatives. Its members are chosen by districts numbering 10,000 inhabitants, or fractions over 10,000. Every such district sends one representative and may choose any Swiss citizen not of the clerical profession.<sup>1</sup> The apportionment is made according to a decennial census and the number of members has increased since 1880 from 120 to 141. The districts must lie entirely within cantonal borders, hence sectional representation receives its due acknowledgment, through the fractional districts.<sup>2</sup> Yet there is an widest difference between the Cantons with regard to the number of representatives. Bern sends twenty-seven deputies while Uri, Zug, the half-cantons Obwalden and Nidwalden and Appenzell-Auderodern have but one each.

<sup>1</sup> This provision is aimed especially at the Jesuit order whose activity in Swiss politics formerly attracted much opposition.

<sup>2</sup> Election juggling is not unknown even in Switzerland. The carving of districts to suit party purposes, or gerrymandering as known there as "Election-district geometry" (Wahlkreis-geometrie) has been tried, but only in small measure. Debat. Obwalden, 1887, II, 1.



The election is direct and any Swiss citizen who is twenty years of age and otherwise capable according to the laws of the Canton or his residence can take part. The term of office is three years and the whole body is subject to re-election at the end of the term. <sup>1</sup> The members receive payment for their services out of Federal funds according to the amount of attendance. The rate at present is twenty francs per diem with mileage. <sup>2</sup>

A President and Vice President of the Council are chosen at every session, neither of which offices can be filled by the same person during two consecutive sessions. The President has a casting vote when the house is equally divided on a measure, but in elections votes like any other member.

The Council also elects from its own number four tellers, who with the President and Vice President form what is called the Bureau. To this Bureau is entrusted the nomination of most of the committees, the business of looking after the absences and their excuses and certain other matters.

Two ordinary sessions are held every year beginning on

<sup>1</sup> Elections for Nat. Council must take place in all districts at once on the last Sunday in October, by secret ballot.

<sup>2</sup> Mileages are fixed by an official "Distance Gazette" which includes almost every hamlet in Switzerland. The rate is 20 centimes per kilometer each way with 10 cent. per kilometer additional for mountain passes.





the first Monday of December. The sessions proceed until the Federal Council (Cabinet) or if this should fail, the Legislature of one fourth of the members of the House itself, or one of five Cantons.

The record of proceedings is kept by the Federal Chancellor or his deputy. This officer is elected by the two houses jointly for the same term of three years, and is responsible for the records of both. Not being also Secretary to the Federal Council and having other duties which will be mentioned in their place, he occupies a different position from that of the ordinary parliamentary secretary. His functions are more like those of the Secretary of State in the American Commonwealth with the additional duty of keeping the daily records of the two houses of the Assembly. This gives a certain link up the whole administration of records.



## THE COUNCIL OF STATES.

When the plan of the old system of government by a Diet of special delegates finally became unworkable it was resolved to adopt the bi-cameral system which had been so long in operation in England and America, and for longer or shorter periods in other countries of Europe. The basis for such a division could not be the same as that in England because the constitution at the same time declared that there should be no distinction of classes in the Confederation by reason of birth, title or privilege. Hence the American plan of representing the States as such in a house by itself came nearest the condition of things in Switzerland.

The Cantons are represented by two delegates each, making forty-four in all, the manner of election and term of office and the amount of compensation being determined entirely by the states themselves. Thus a great diversity of methods obtains in these particulars. In some Cantons the delegates are elected by general popular votes, in others by the legislature. The term of office varies from one to three years and the number being likewise variable there is liability of continual change in the personnel of the Council.

Thus an assembly which fully represents the state-rights idea has been formed but without the regulating or controlling



The President in connection with his business, not the Legislature which long tenure and ability in legislation should naturally clothe a Senate.

Owing to this fact the best talent in political life prefers to sit in the National Council and consequently the center of gravity in federal affairs is to be found in the lower house.

The organization of the Council of States is similar to that of the National Council, having a President and Vice President chosen at every session.

#### F U N C T I O N S O F T H E F E D E R A L A S S E M B L Y.

In general terms the Federal Assembly takes into consideration all matters which lie within the province of Federal Government. When the particulars are inquired into it will be seen that in addition to legislative duties it also has certain administrative and judicial functions. The Assembly not only maintains an oversight of these other branches of Government but elects the officials who carry on the work. The Federal Cabinet, the judges of the Supreme Court and the Chancellor, or Secretary of State, all owe their positions to the vote of the Legislature.

It acts as a judicial body as a last resort in deciding on complaints against the Federal executive and on questions of



competence to the different departments of the Government. Its principal legislative functions include laws upon the organization and election of Federal officials, their emoluments, subsidies with foreign powers and ratification of treaties and Congress, the annual financial appropriations and more fundamental and all the powers reserved to Congress by the Constitution and its desires, or when a popular vote demands.

When exercising its legislative capacity the House and Senate operate, and measures must obtain a majority of votes in both to become laws, but when electing Federal officials or sitting as a court of justice the members of the House and Senate are decided by a majority of all the members combined.

Freedom of speech and liberty of conscience in voting are guaranteed. No positive inducements can be placed upon a representative in either house, by his constituents. Inviolability of person and freedom from arrest, except for crime, during term of office are further safeguards placed about the legislator.

NOTE. The certain kind of responsibility is said to be placed upon members of the Council of States in some cases where they are elected by Canonical legislatures. This latter body sometimes requires its members to give an account of themselves and thus exercises an explicit form of control. Law on the subject, Amt. Stg. 2, 149. Wolf's Collection p. 25.





## THE CONFIDENT OF BUSINESS.



place of the ... .. is ... ..

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Business can come for the ... .. of  
(1) ... .., (2) ... ..  
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only in the official language, German or French. However if he could not have this privilege and exceptions to note their dissent from the report, and to reopen the debate open.

Members address the House from their places, and may speak on the motion not more than three times.<sup>1</sup> Those who desire to take part may give their names to the President after the debate has opened and he is required to keep a list of those in the order in which enrolled and to grant the floor accordingly. Members may use either the French, German or Italian languages as spoken in Switzerland to know at least two of these but if any one so requests, the Translator, a functionary who assists the Secretary, must give the substance of addresses made. The debate may be brought to a close by a two-thirds vote, but must be kept open so long as any member who has not yet spoken desires to make a motion and to debate it.

When a bill is brought for discussion the ordinary procedure is to first decide whether the subject will be entered into at all and if decided affirmatively to discuss the project at once either as a whole or article by article. But for changes in Federal private law (Civilrechtssachen) special regulations are in force. Having decided to enter into the subject and then after

<sup>1</sup> It is forbidden to read speeches from manuscript.









but the Council will not. The Council will not do a -  
mandate which is for the explanation of the address, and the Council does  
not want to be asked in vain.

Bills having been passed by the Council, are then sent  
to the Federal Council. In the Council the bills are  
brought before it once on the 1st of January in the parliament but  
in Switzerland there is another power to be heard from before a  
law can be finally said to have been passed. For thirty days  
the law may be said to be on probation, but if within that time  
50,000 citizens demand it must be submitted to popular vote and  
acceptance or rejection decided by them. If the vote is in favor  
of the law it is then adopted by the Council at the expiration  
of the limit and placed on the statute book.

1. See the Council.



FINAL REPERECHO.

F. C. A. S. Am. Soc. N. J. L. H. W.

.74, .60.





















Article 130 of the Swiss Federal Constitution. The revision is finally passed by both houses and then be referred to popular vote. If it receives the approval of a majority of all the people and a like same of a majority of all the Cantons the revision becomes law and goes into effect as soon as proclaimed by the Federal Council.

In determining a majority of Cantons those which are divided count as two half votes and the result of the popular vote in each Canton counts as one voice of the people.

It will be seen from this that the Federal Constitution of Switzerland is brought nearer to the people than that of the United States, which is adopted by the Legislatures alone of the various states. Also that it is not as difficult to change by reason of the fact that the voting is all done on one day and agitation can be carried on in one campaign as it were. Instead of forty-two legislatures to be dealt with separately, and who may act somewhat according to the votes of other states, a whole people is called upon to express its opinion at one time and the result of states is determined by analysis of this vote. There is a possibility that one third of the Cantons containing a majority of the citizens might be overruled by a minority in the remaining states, but such a conflict is highly improbable as it would require these Cantons to vote solidly on one side allowing for









## THE FEDERAL EXECUTIVE (GOVERNMENT).

The executive power of the Confederation is vested in a committee chosen by the Federal Assembly in joint session and called the Federal Council.<sup>1</sup>

This Council consists of seven members who are elected at the beginning of every year, one of its lower members of the national legislature and hold office for five years. Any Swiss citizen who is qualified to sit in the National Council is also eligible to the cabinet, except that near relatives by blood or marriage, or two persons from the same Canton cannot be elected at the same time. Members of the Federal Council shall not at the same time hold any office in the State or Federal, nor engage in business or exercise a profession. They receive a salary from the Federal Treasury.<sup>2</sup>

The chairman of the Council is also chosen by the Legislature and is known as the President of the Confederation. His alternate is called Vice-President of the Federal Council. The ordinary President cannot be elected with him to the same office or to that of Vice-President for a second time, nor can the same

<sup>1</sup> Federal Const. Articles 93-104.

<sup>2</sup> Salaries 12 percent, 100,000 francs each, plus 10,000 francs additional for the President. (M. L. S. Sammlung, I, 4, Wolf p. 90.)



may be served as Vice-President, if he is elected by the Assembly.

The President of the Federal Council is, in general, administrator of the affairs of the Confederation, to keep a watchful eye upon its conduct and government, and to guide in all cases the course of political activity.<sup>1</sup> Since the composition of this executive is somewhat unusual, it is desirable to look into its functions more particularly.

1. It conducts federal affairs, conformably to the laws and resolutions of the Confederation.

2. It takes care that all laws and ordinances, and also the provisions of federal concordats, be observed; upon its own initiative or upon complaint, it takes measures necessary to cause these instruments to be observed, unless the consideration of measures be a long time in being which should be brought before the Federal Council, according to Article 113.

3. It takes care that the guarantees of the federal constitution be observed.

4. It introduces bills of legislation into the Federal Assembly, and gives its opinion upon the proposals submitted to it by the Councils or the Cantons.

5. It executes the laws and resolutions of the Confederation and the judgments of the Federal Court, and also the compromises or decisions in arbitration upon disputes between Cantons.

<sup>1</sup> Fed. Const., Art. 102.



9. It exercises authority over the Federal Council, and is empowered to dissolve the Federal Assembly, if necessary.

10. It exercises authority over the Federal Council, and is empowered to dissolve the Federal Assembly, if necessary. (Article 10, 1)

11. It exercises authority over the Federal Council, and is empowered to dissolve the Federal Assembly, if necessary. (Article 10, 1)

12. It exercises authority over the Federal Council, and is empowered to dissolve the Federal Assembly, if necessary. (Article 10, 1)

13. It exercises authority over the Federal Council, and is empowered to dissolve the Federal Assembly, if necessary. (Article 10, 1)

14. In cases of emergency, the Federal Council is empowered to declare a state of emergency, and to call out the Federal Guard, and to employ the necessary troops and to employ them, with the reservation that it shall immediately inform the Council if the number of troops exceeds ten thousand men, or if they remain in arms more than four weeks.

15. It administers the military legislation of the Confederation, and all other branches of administration committed to the Confederation.

16. It examines all laws and ordinances of the Cantons as they are submitted for its approval; it exercises supervisory power over each department of the cantonal administration as placed under its control.



11. I administer the judicial system, in-  
troductory to the judicial system, and ex-  
amine.

12. I also provide a number of officials in an-  
thropology and the social administration.

13. I administer the Federal Assembly, which regularly as-  
sembles in the capital of the nation and reports on the condition  
of the Confederation, in which is held as a council, and calls at-  
tention to the needs and wishes of the people for the promotion  
of the general welfare.

I also lecture special reports from the Federal Assembly,  
or either Council requires it.

For the more convenient transaction of business the work  
of the cabinet is divided into seven departments having one Coun-  
ciller at the head of each. The precise arrangement is neither  
established by the Constitution nor by statute, as in the United  
States, but by order of the Federal Council itself. A re-adjust-  
ment of the departments took place in January, 1904, and the order  
is now as follows:<sup>1</sup>

Department of Foreign Affairs,

<sup>1</sup> Amtliche Sammlung N. F. N. 104. Wolf p. 37.





Department of Education,  
Department of Justice and Police,  
Department of Military Affairs,  
Department of Interior and Finance,  
Department of Industry and Agriculture,  
Department of Posts and Telegraphs.

Although administration is thus divided up, the heads of departments are not in law the final authorities upon questions decided. Decisions now proceed from the Council as a body.<sup>1</sup> All matters directed to the cabinet are opened by the President and by him assigned to the proper department for consideration. The secretaries may decide points coming before them and order their execution directly, if they are so disposed, but on all matters requiring the assent of the whole Council is held in reserve for use when called for.<sup>2</sup>

It will be observed that although the members of the Federal Council have similar duties to those of the Cabinet of the United States Government, the theoretical bases upon which they rest and the spheres of responsibility are widely different. In America, as it is, in fact, in all monarchical governments, the

<sup>1</sup> Fed. Const. Art. 103.

<sup>2</sup> Law of Organization. Article 1. Section III, Art. 10.



Executive power is vested in the President. He appoints and dismisses the cabinet and his cabinet is responsible to him. The President's cabinet is the central organ of the administration and is the chief of the executive branch. The various secretaries are responsible for the conduct of office to no one but the President of the United States, and upon him their tenure depends.

But in Switzerland the Federal Cabinet is a creation of the Federal Legislature and when it is dissolved holds a separate commission. Its tenure of office is not dependent on the President but is fixed by the Constitution at a definite term of years. Re-election is possible but always at the hands of a new Legislature. Practically, cabinets in America have a fixed term of four years, but here a faithful official has a legal claim upon a three years tenure, which he may not be deprived of except by decree of court.

Neither is this a Ministry which rises and falls with the measures which it advocates. It is usually elected by the parliament of the majority but does not feel called upon to resign when one of its bills fails to pass. The proposal of legislation is one of the duties laid upon the Council. It is expected to lead the way in making any change in Federal law, but it has no legislative rights of initiative even in its own power. Any member of the Chambers may move the adoption of a bill, but all are sub-







They are not so much as those of the Swiss.

It will be observed that speaking of a "cabinet crisis" is out of the question. Violence and epidemics of ministries, one of the chief objections to parliamentary government, a government with fixed members of office, and all the other disadvantages has opportunity once in a while to show the national executive, public opinion or tradition, and business is fine, if they choose to call it so, keeps the faithful officers in a place of usefulness.

Consequently, the administration of affairs has reached a high degree of perfection. The Cabinet officers are, it is true, more like the heads of Bureaux in other countries, than like the political ministers of France or England. They are immediately in contact with the details of their various departments as well as guides and directors of policy. Hence the kinds of abilities required for which are not always to be found in the same person, namely, genius for details and for political insight, and the ability to combine the two, are not often met. In France, however, and in the Swiss have a similar system of discipline and, for in all departments, they succeed in showing remarkable results for the amount of work done. It can be said that the present indications of a new political life in France, but the honor of being a cabinet officer and the honorable service









## THE FEDERAL JUDICIARY (Bundesgericht).

If space allowed a most interesting chapter might be written at this point on the history of federal courts in Switzerland. It offers a valuable subject for study in the development of legal institutions. But it must suffice to say, that, at the very beginning of the Confederation in the thirteenth century, a method of settling interstate disputes was organized, which, though it took the rude form of committees of referees, chosen as the occasion demanded, contained the germ of the modern federal court. Its growth as an independent institution however, was not vigorous. The tendency in modern times, was to make the Federal legislature the final resort on great questions of law, but the revision of 1874 finally placed it upon a more logical basis.

The Bundesgericht as now constituted, consists of nine judges and nine alternates, all of whom are elected by the Federal Assembly for terms of six years. The election is open to any Swiss citizen who is qualified to sit in the National Council, but in making choice the legislature must see that all three national languages are represented and that the judges are in no way related to each other. A President and Vice President are also chosen from among those for terms of two years. The alternates are persons who are called in on occasions where the regular judges are



unable to serve. The court appoints its own recorders and other necessary clerks. The salaries are \$2,000 for each judge with \$200. additional for the President during his term, while the alternates are paid by compensation as occasion demands. Judges may not sit in either house of the Federal legislature nor engage in any business or professional occupation.

The civil jurisdiction of the Bundesgericht, as a court of first instance considers disputes between

1. The Confederation and the Cantons.

2. Between the Confederation on the one hand and Corporations or individuals on the other hand as plaintiffs when the amount involved reaches 3,000 francs.

3. Between different Cantons, but only on questions of private law and when the complaint is made against the fiscal administration.

4. Between Cantons on one hand and Corporations or individuals on the other when the amount in controversy is at least 3,000 francs and one party has appealed.

5. Between communities of different Cantons on questions of citizenship.

6. Appeals by Cantons from decisions of the Federal Council on matters relating to the civil rights of persons who have no legal residence (Heimatslosigkeit).



The Federal Court has jurisdiction in the special field of the Federal Railways. The Federal Railways relate entirely to railroads, their right of expropriation, contracts with the state and individuals, and the liquidation of these corporations.

As a result of revising the Bundesgesetz also came certain appeals from Cantonal courts. The parties have to come there.

The Criminal Jurisdiction of the Federal Court covers

1. Treason against the Confederation with and violence against Federal authorities.

2. Violation of International Law.

3. Political Crimes which have caused armed insurrection.

4. Cases where a Federal official has been handed over to the court by the authorities which appointed him.

5. Other criminal cases which are referred to it by Cantonal governments with the consent of the Federal Legislature.

The Constitutional Jurisdiction includes

1. Conflicts as to competency between Federal and Cantonal authorities.

2. Constitutional and political conflicts between Cantons, as for instance the interpretation of international agreements, conflicts of competence of cantonal authorities, boundary lines,





entirely.

5. Complaints of individuals or corporations against violation of the higher laws issued by the Imperial Constitutional constitutions are in the Central Congresses.

For the conduct of criminal business the court is divided each year into three chambers, the Chamber of Complaints, Criminal Chamber, and Chamber of Appeals. (Anklage-kammer, Kriminal-kammer, Kassations-kammer). All but the latter consist of three members each. The last and highest being the final resort in criminal matters is composed of the President and three judges.

6. Criminal action is divided into five large Federal Districts. (Assisenbezirk.) and the criminal chamber sits from time to time in each. The trial of all cases is always conducted before a jury made up from a list of persons especially elected. The Government does not pay counsel in all cases but appoints an advocate for each case.

When considering civil and constitutional matters the court of appeals sits in bench, but the presence of three judges is sufficient. Hence the attorneys spoken of above are rarely called upon and the necessity for their appointment is quite doubtful.

<sup>1</sup> Federal Juries are elected in each district in proportion of one to every 1000 inhabitants. Certain official classes the aged and sick are exempt, but all others elected are liable to jury duty during a term of six years.



In one respect the Swiss Federal Court differs widely from that of the United States. In the latter the constitutionality even of the laws of the highest legislature of the land can be brought in question and if such statutes do not agree with the Federal Charter they are declared invalid. But in Switzerland the Federal Court can only move within the limits set by the legislature. The Federal Assembly is declared to be the sole judge of the constitutionality of its measures.

While such a principle might be desirable in a country having no written constitution, it cannot be said that in this case, the Swiss are so secure in their constitutional rights as they would be under the control of an independent judicial body unswayed by the winds of politics. With all their facilities for revision of the constitution and the popular expression upon law, it would seem as if the matter of final interpretation should be left in calm hands rather than those of a congress.



U H E F E D E H A L A L . . .

1 Doc. Const. Art. 13.

- Fed. Const. Art. 10.













Here the Government has in the  
view of 10,000 in the , , , 10,000 in  
rise in the . This is not a , , ,  
and the Government is not .

1. The Government has in the , 15 November, 1974,  
in the , , , in the . S. H. N. E. 1. 7.  
The Government has in the , , , in Wolf's  
policy.



## FEDERAL FINANCES.

The following table shows the main sources of revenue and some of the principal expenditures of the French Republic in 1900. The following are the principal sources of revenue:

Federal Property,

Debt on the Treasury,

Interest on the Treasury,

The Power of the State,

One half of the Military Expenditure Tax,

Contributions of the Chambers.

The Federal Treasury consists of loans of money, and of the sale of bonds, buildings, and other property, and of the sale of the land which is productive, but a large part is probably a source of revenue.

The Federal Treasury in 1900 received over 2,500,000 francs and the funds of the Republic. The receipts from capital invested in public works and by the sale of various lands and property is added about 1,000 francs to this sum, and from this a large amount is deducted for the expenses, which will be paid by the State.

The principal source of revenue is the tariff on imports. As soon as the new constitution came into effect in 1900

1. The French Republic.

2. The French Republic, p. 103.



one principle for all countries, and to bring all countries on a single uniform plan, in place of an old state system. The principles upon which this taxation was based were financial and in no sense prohibitive or protective. A tariff for revenue only was the character of the law passed in 1849 and that principle has ever since prevailed. Changes have been made at various times in the rates, to correspond with new commercial treaties; or some other legislation, but the endeavor to come as near free trade as good financeering would allow has been faithfully adhered to. It has been the aim of the government to tax luxuries higher than the necessities of life and to lay as little burden as possible upon the materials needed in the industries and agriculture of the country.<sup>1</sup>

In 1890 the results of one year's working of the tariff showed a gross credit in the Federal Treasury of 4,413,713 francs.<sup>2</sup> In ten years this amount was doubled and in 1900 had risen to 25,627,000.<sup>3</sup>

The tariff on Swiss imports differs from that of England

<sup>1</sup> Fed. Com. L. Ac. 19.

<sup>2</sup> Volkswirtschaftslexikon, p. 121.

<sup>3</sup> Bericht des Schweiz. Bundesraths, 1900, p. 121.





in a ... will bear, a list ... in  
the , is ... a little. The schedule of ... a list of  
over 100 articles ... which the subject ... Certain commodi-  
ties, chiefly raw materials ... products and admitted free,  
contribute to the ... of ...

A few examples ... since  
the rise , chiefly ... live stock, ...  
hills. The amount of ... is ... and ... per-  
centage in comparison with the tax on imported ...  
In 1901 the whole ... was 109, 23 francs. If we add ... is  
various ... from ... and ...  
and ... the ... of ...  
... of ... of ... 2,000 francs.

The ... of ... of ...  
Papers and ... yields  
the most, the telegraph ... of the whole and rail-  
roads ... The Post Office ...  
1, 51, 322 francs, ... millions, so ...  
... was 1, 500, 000. Perhaps ...

1 Volk ... All laws ...  
Wolf. ...

2 Al ...



And the same is true of the other two. The first is the fact that the
 American people are not interested in the war. The second is the fact
 that the American people are not interested in the war. The third is the
 fact that the American people are not interested in the war.

5 The .C file .A1.Explains how to use the .C file to  
the .C file .A1.Explains how to use the .C file to



10-1-60

Prop. 1 is of 1 franc when 1,000 francs a year. First, 500 francs of income are exempt from this taxation. The burden laid on any one man shall not exceed 3,000 francs a year, and from the third second to the 10th, 100 francs off each only, one-half the ordinary assessment need be paid. The income tax is levied on the part of the activity which is specially called in for extraordinary service for Federal Defense purposes. It is levied on the tax twice the normal rate.



Even Swiss citizens who are residing abroad are liable to the military tax. Lists are made once each year and notification sent from the Canton where the person is a resident. Parents are responsible for their minor sons and for their sons who, upon reaching age, have not yet entered the household.

## ALCOHOL NONPOLAR.

Among those which has perhaps as close a relation to the models as to the finances of the Confederation is the manufacture and sale of spirituous liquors. In adjusting the complicated pres-





The power to make laws in the field of liquor is vested in the Parliament, which has the right to legislate on the subject. The power to make laws in the field of liquor is vested in the Parliament, which has the right to legislate on the subject. The power to make laws in the field of liquor is vested in the Parliament, which has the right to legislate on the subject.

This document was in violation of the provisions of the government of the day, which was a compromise which would have been the only way of the conflict in the claims of central and local government. In a revision of 1944, however, in respect of the assumption by the Confederation of a greater share of military affairs the Canadians agreed to drop all duties on liquors effective from 1990. But this duty was anticipated, first by the constitutional amendment of 1981 which placed the power of making general laws on the subject in the hands of the Confederation, and secondly by the statute adopted by popular vote in 1984, which makes the manufacture of alcoholic liquors a Federal monopoly.

The principal features of the law are these: the right to import or to manufacture distilled liquors belongs exclusively to the Confederation; the sale of the product shall be manufactured on contract by private individuals, subject to the

1. P.C. Can. L. Art. 31. b. 31. b.

2. Distillation of certain raw materials and goods is subject to the provision, and is free of duty.



... who are ... Federal Government with ...  
... 1914. The ... will be sold by the Government  
... 1914 ... 1914 ... 1914 ...  
by itself. Spirits used for technical and housekeeping purposes  
are to be sold at cost of production. Such products are to be  
... (dinner ... ) ... addition of spirits of ... and mix-  
... for drinking.

The sale of liquor to a house or house is forbidden,  
except when used for technical and housekeeping purposes. Wholesale  
dealer in ... above ... is ...  
Retail dealer ... the ...  
... a tax for the ... of  
... The ... is to be ...  
which ... will be ...  
the ... lies  
with the ... income is to be ... along the  
Canyons ... These are ... to spend at  
least ... of ... will of  
income ... will be ...  
the ... done in ...

... was accomplished not by confiscation but by indemnification, a













the other hand, which is collected and paid by the Government of  
Switzerland.

The law of 1875, which was passed by the Swiss Government, is  
on a basis of a centime of 100, according to the law of 1875,  
on which the Confederation collected, in 1,175,000 francs, and  
this may be considered as a financial success, since the  
tax has now been called for.

To recapitulate briefly, the financial operations of the  
central Government, it may be observed that the total revenue  
from all sources reaches nearly six millions of francs. To this  
amount, the customs duties contribute very nearly half, followed  
at a long distance by the net profits of the Postal Office and  
next and by the military expenditure tax. This latter is the easi-  
est of all the revenues to obtain since all expenses of levy and  
collection are assumed by the Cantons and the gross receipts  
equally divided. However, for the amount involved, the custom  
duties are very economically administered, the cost of collection  
amounting in 1900 to 7.4 per cent. The largest item of expense  
is the arm, consuming in all nearly three per cent of the reve-  
nues, and over sixteen millions of francs more than its own proper  
income. Although carrying on no part of its own, nor joining in  
the consignment of other countries, Switzerland is compelled to un-  
dergo this great expense in order to preserve its neutrality and



1. The public debt of the country.

The public debt of the country in 1919 was estimated in 1919 to all the various commitments of the country, public works, education, statistics and health, the total amount of half millions of francs, or about one hundred million francs of all expenditures. The making of the debt of maintaining the two houses of the Legislature, amounts to about two thousand dollars a year as compared with the three millions spent by the United States. Education, as noted in another place, being a large part of the Government, does not occupy a large portion of the Federal Budget.

The public debt of the country, although no longer a large portion of the total budget of the country, it still remains a large portion of the total budget of the country.

In 1919 the Federal debt was about 1,000,000 Francs, and was reduced in a few years to 1,200,000 Francs. The public debt of the country has been reduced, especially since 1919, by the payment of the various liabilities of the country, from the various provinces. In 1919 the public debt of the country was 1,200,000 Francs, but the Government has perhaps increased the public works and military improvements faster than the public would warrant. On January 1, 1919, the total debt, including the coin reserve, amounted



on 1st January 1914 the total amount of the public debt was 1,713,100,000 francs. The public debt of 1914 was 1,713,100,000 francs.

Considering the thriving industrial condition of Switzerland the amount of the public debt is very small. It appears very much in the shadow of the debt of other countries like Russia, or the United States, and even in view of the small size of the country, with a small population, the burden is not only small. The public debt is small and is carried at low rates of interest.



## INTERNATIONAL RELATIONS.

The official position of Switzerland has been in accordance with the traditional policies of the nation. While just before the World War it stood in isolation and its policy was pacifist and neutral; now, oppressed by crushing financial losses, its natural resources have been exhausted, and its position is one of weakness; and in view of this situation between the two great empires, not only does it have an international policy, but its legislators have guaranteed the fulfillment of such a situation.

That policy since the beginning of the last war has been neutrality. There was a time when Switzerland held the balance of power in Europe. Whoever had the soldiers of the Swiss on his side had half won the battle in advance. But after the bloody outcome of the war in Italy at the battle of Marignano the Swiss could no longer mix in foreign affairs as a policy, and now they will allow claims to be made. With exception of a brief and nearly total exception, the policy of the Helvetic Republic has been neutrality. It is its final standing in the eyes of the Congress of Vienna, which has and the high contracting powers, not only individually, but also, but also to defend the neutrality of Switzerland.









secret of commerce which the law is intended to maintain.  
111.

Nothing is more certain than that the law is intended to  
liberate the country from the influence of the  
power of the country which is intended.

Highly important and the law is intended to  
to revive its self respect, to prohibit the country  
itself and the prohibition law is intended to prevent  
the evil, now no longer feared.

The United States would seem to have had the law rather  
than the experience of the evil of the law of the constitu-  
tion directed to similar prohibitions. But both are in  
receiving temptation.

Switzerland has also recognized rights on the sea as  
a neutral nation, but which at first it might seem super-  
fluous to a nation without a sea coast or a ship. But the com-  
mercial interests of the country, leading to the interests of  
the world, are so great that in the future they become a matter  
of great concern. Hence the treaty of Paris of 1856 in regard to  
neutralization of the seas of vessels of belligerents, blockade,  
etc. was entered into by the Swiss in the same year.

Again by reason of its central position, Switzerland  
has become peculiarly the official headquarters of international



...ants. The ... .. in ... ..  
... .. in ... ..

Hence arose the Convention at Geneva in 1864 for the  
improvement of the condition of the wounded in battle and out of  
this the Red Cross Order of the Red Cross.

Hence also the Universal Postal Union, adopted in 1876,  
the central bureau of which is directed by the Swiss Government.  
Many other international matters in which more or less of the sur-  
rounding powers are interested find expression in treaties which  
include Switzerland, as the Alpine, Wail and Waggas, the Goth-  
ard Tunnel, Phylloxera, Railroad Transportation, international  
copyright and many others.

Diplomatic relations are maintained with Foreign coun-  
tries by ministers plenipotentiary in France, Germany, Austria,  
Italy and the United States, while commercial affairs require the  
attention of consuls in all parts of the world.

It cannot be said that Switzerland has ever carried out  
a "brilliant" foreign policy. Acts of intervention and mediation  
in the affairs of nations have not been the vocation of so small

province, but the Swiss have stood bravely for their own rights  
as occasion demanded, and especially for the right to make their  
country an asylum for the oppressed of every nation. This has not  
been an easy task for vicious classes have taken advantage of this



in 1901, the Spanish Republic was proclaimed, but the movement has since endeavored to maintain the limits of the Republic and has not succeeded. The Republic is still struggling to maintain the Republic, and the Republic has required a large number of troops, and the Republic is still struggling.

1. See Hilt, "Hilflichkeit der Senats in der römischen Antike".





# THE CONSTITUTIONAL AND SOCIAL.

It will be seen that the constitution of the Cons-  
titutional Convention is not only provided with the  
ordinary powers of police, but also with the power of  
declaring war and peace, and the power of making and  
repealing laws, and the power of making and repealing  
the laws of the United States. The Constitution  
is thus a full and complete government, and the  
Constitutional Convention is the only body which  
can make and repeal laws, and the only body which  
can declare war and peace, and the only body which  
can make and repeal the laws of the United States.  
The Constitution is thus a full and complete  
government, and the Constitutional Convention is  
the only body which can make and repeal laws,  
and the only body which can declare war and  
peace, and the only body which can make and  
repeal the laws of the United States.

Hence, one of the main purposes of the Convention  
is to provide for the Convention, and the Convention  
is a full and complete government, and the  
Constitutional Convention is the only body which  
can make and repeal laws, and the only body  
which can declare war and peace, and the only  
body which can make and repeal the laws of the  
United States. The Convention is thus a full  
and complete government, and the Constitutional  
Convention is the only body which can make and  
repeal laws, and the only body which can  
declare war and peace, and the only body which  
can make and repeal the laws of the United  
States. All important and exposed affairs are now collected as one Federal  
from the various states and the Convention is the  
only body which can make and repeal laws, and  
the only body which can declare war and peace,  
and the only body which can make and repeal the  
laws of the United States.





















fully, and, consequently, the rapid development of telecommunication in all parts of the country in official and commercial aspects. This development has been witnessed in a short period.

The monopoly of telegraphs was established in 1848 by a Federal law in 1848. At the time of the adoption of the Constitution of 1848, the telegraph communication was not sufficiently developed to gain recognition. It took its place naturally in the revision of 1874.

The Confederation has the right to erect lines either above or below ground through any State, but always after consultation with the Council of cantonal authorities through whose territory it is proposed to pass.<sup>1</sup> The operators and clerks are Federal appointees, as in the Postal Department, and subject to all the laws governing such services of the State.

NOTE: A uniform tariff is established by Federal laws between all parts of Switzerland. For the sending of a message between any two stations, and its delivery within a radius of one kilometre from the receiving station the charge is as follows: (1) A fixed price of 50 centimes, (1 franc cent); (2) For each hour, in-

1 Postal laws are found in special handbooks issued by the department and in Wolf, p.301 etc.

2 See Federal Finance.

3 Artliche Salz. VII.322 Wolf, 1891, .



of the 1864 act, 14/10/1864. The 1864 act was a law of the Confederation, and it is not in the hands of the Confederation to be changed or amended.

The laws regulating railways proceed only from the Confederation.<sup>1</sup> The government has never undertaken to manage railways on its own account, although the laws of the Confederation concerning railways are as follows: The laws of the Confederation shall be, on all the existing roads is frequently brought forward but as yet no law. It has, however, established a railway, and it has as yet no conclusion and no law of the Confederation and maintaining a close supervision over the railway.

The laws of the Confederation concerning railways are: The width of track, the width of rails, the height of rails, and even to the height of rails, so that the rails are as high as possible.

But one of the most useful agencies of governmental action lies in the regulation of the financial management of railway undertakings. Federal law prescribes the method of keeping accounts which railways must follow, what shall be considered expense and what shall be considered profit and loss,

<sup>1</sup> Fed. Const. Art. 10.



... and the ... of ... and the ... of ...  
ing ... and the new ... , and the ... of ...  
stock ... of ... , and the ... of ...  
... of ... . The company's ... balance ...  
... of ... of ... of ... of ... of ...  
April ... of ... of ... of ... of ...  
... of ... of ... of ... of ...  
and ... and ... of ... of ...  
in ... of ... of ... of ... of ...  
...

The ... of these regulations is obvious. They  
give protection not only to the ... against ... ,  
... of ... , but also to the ... of ...  
... of ... and ... of ... of ...  
... . While gambling in rail road stocks cannot thus be done  
away with, yet manipulation of funds, the "hypothecation" of bonds,  
and much contract juggling can be headed off.

The statistics of the subject, which the United States  
government is endeavoring so hard to obtain by persuasion and only  
partially succeeding, are in Switzerland ... of ...  
... of ... , ... of ...

While the ... of ... of ... of ...





The unit of this is the Franc, divided into 100 centimes (Groschen, Pfennig) and coined in various metal plates which correspond in size and weight to the French money.

By the action of Louis XVIII and his minister Bernier-  
et al Union, so that now her coinage is on a uniform basis not only  
with that of France but also of Belgium, Italy, and Greece.<sup>1</sup>

<sup>1</sup> International Non. Conf. 1977. Appendix, p. 179, etc.



"The establishment of uniformity in the Swiss Confederation. The unification of the laws on this subject is carried out by the Cantons under the supervision of the Confederation".<sup>1</sup> This order of things was brought about finally in 1871. The Cantons had already begun the unification of the Confederation endeavored to help themselves toward uniformity by means of a Concordat, and were ready for the provision of the constitution of 1874 which vested in the Federal Government the right to establish a general system on the basis of the existing agreements. But resistance was encountered in the Romance Cantons which was not wholly laid till the matter was put into the hands of the central government of 1874. Then the metric system was adopted and finally made obligatory.

As a matter of general interest to the whole people the Confederation supervises the main finance of each highway and bridges as contributors to the culture of the Union. The care of roads is in reality entrusted to the individual Cantons, but in keeping an oversight upon thoroughfares of communication a greater certainty of good highways is obtained. Works of a larger nature are also supported in part by Federal subventions. None of the mountain Cantons receive annual subsidies for maintaining the

<sup>1</sup> Fed. Const. Art. 10.







...ing civil is ... .., as  
... .. (See ... ..)

In ... .., ... ..  
... .. has been  
done by ... .. Schools and Univ ... .. all  
maintained by the ... .. is ... ..  
... .. of ... .., ... .. Confed-  
... .. a responsible ... .. the advancement of  
... .. in ... .. of the ... ..

The ... .. of 1 ... .. the Federal gov ... ..  
... .. in a ... .. School and a University.<sup>1</sup>  
The ... .. in 1 ... .. has now been  
... .. The ... .. of 1 ... .. in its provisions for  
... .., ... .. in addition to ... .. existing Pol-  
... .., the ... .. was ... .. establish ... ..  
... .. the institutions of ... .. or, ... ..  
... .. the obligation was laid upon ... ..  
... .. in ... .., which ... .. the whole  
country, ... .., ... .., ... .. children of all  
... .. under the provision of ... .. If ...  
... .. still there ... ..

<sup>1</sup> Art. 27.

<sup>2</sup> Fed. Const. Art. 27.





1. 10. 1990

\* Gröb. Jahrbuch des Un. Wien, 1890, in der Schweiz. 17.

~ Day of June 30, 1911 .

o. Layer of interbedded, l. & G.ool. in which sandstone. Alternates. l.

















NE. 10000.







ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 01-21-2009 BY 60322 UCBAW

1. The first group of people who are interested in the study of the history of the world are the historians. They are the people who study the past and write about it. They are the people who tell us what happened in the past and why it happened. They are the people who help us to understand the world that we live in today.













of provisions of the Federal Constitution.<sup>1</sup> It is  
not, however, for the purpose of determining the  
relation, and no artificial distinction can be drawn as to whether or  
not a violation of the Constitution is committed, or  
by official exaction, judicial or administrative fees, or similar demands.

The expression of opinion on this subject is the subject of the  
in the context within the limits of good morals.<sup>2</sup> Punishment for  
the criminal abuse of this privilege is enacted by the Central  
Governments, and the laws under which these actions must be ap-  
proved by the Federal Executive. Thirdly, the Constitution  
has the right to punish private persons who are called against  
itself, or the Federal officials.<sup>3</sup> This right is made an instru-  
ment of oppression, but the criminal nature of the act is chiefly  
as indictable offenses and indictable offenses, or as dis-  
obedience of the execution of Federal laws, and when officials  
are liable, said offenses are not under the control of the gov-  
ernment, but by the official or body injured.

The right of citizens to form associations cannot be  
imposed so long as their objects are not unlawful or dangerous.

1. Fed. Const. Art. 1, 54.

2. Fed. Const. Art. 55.

3. Bundesgesetzgeb. Art. 75-77, 81, 82, 83, 84.



... All ... Likewise the ... in ... of ... tion ... of ... of the ...

It ... no citizen can be ... the legally ... court ... of his place of residence. Hardship cannot be ... in ... and ... but only before ... of the ... of ... This was one of the ... which the ... the first ob ... in the ... The whole power of the central government may not be invoked ... "las ...". Nor any extraordinary tribunals be ... for special purposes, nor shall ecclesiastical courts have any jurisdiction in civil matters. Imprisonment ... and all corporal punishments are forbidden. ... for poli-

1 ... Art. 3.

2 ... Art. 5.

3 ...

4 ... Art. 22.













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# W I A.

John Martin Vance was born October 11, 1861, Ellettsville, Ohio; received his early education in the public schools of the place, graduating from the High School with the rank of valedictorian; was member of the Ohio Agricultural College, graduating in 1880, receiving degree in degree of Bachelor of Science; joined the Junior Class of Amherst College in the autumn of 1880, but was prevented by a prostrating illness from finishing the year; in November 1880, sailed for Europe and spent seven months in travel in England, France, Italy, and Germany; spent the winter of 1880-1881 at the University of Leipzig, and following summer spent in Berlin and the succeeding winter again at Leipzig, thus having all of the best places of study in Germany; returned after an absence of two and a half years and engaged in his literary work, private and public, and editing; received from Oberlin College in 1883 the degree of A. B. and in 1884 that of A. M.; appeared first before Julius Reprints University in 1883, lecturing on the German Renaissance and on the history of Switzerland; was elected a student at Leipzig for the years 1884-5 and 1885-6; was invited to take charge of the Library of the Department















